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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA-SAN FRANCISCO DIVISION

KEVIN FRAZIER, an individual; DEJESUS
LIBRAN, an individual; on behalf of
themselves and all other similarly situated
current and former employees,

Plaintiff,

vs.

WIRELESS LIFESTYLE, INC, a Kansas
Corporation, and DOES 1 through 50,
Inclusive,

Defendants.

Case No. 4:11-cv-05192-MMC

CLASS ACTION

ORDER APPROVING

**STIPULATION & ~~PROPOSED ORDER~~
TO CONTINUE ORAL ARGUMENT AND
STAY THIS COURT'S RULING ON
PLAINTIFFS' MOTION TO REMAND
UNTIL JUNE 15, 2012**

Date Filed: September 20, 2011
Removal: October 25, 2011
Trial Date: None
Judge: Hon. Maxine Chesnev

1 This Stipulation and [proposed] Order is entered into by Plaintiffs KEVIN FRAZIER
2 and DEJESUS LIBRAN ("Plaintiffs") and Defendant WIRELESS LIFESTYLE, INC.
3 ("Defendant") (hereinafter the "Parties") as follows:

4 WHEREAS, on September 20, 2011, Plaintiffs filed the instant proposed wage and hour
5 class action against Defendant;

6 WHEREAS, on October 25, 2011, Defendant removed the instant action on the grounds
7 that this Court had original federal jurisdiction under 28 U.S.C. § 1332;

8 WHEREAS, Plaintiffs filed a *Motion to Remand* on November 3, 2011, and a decision
9 on that Motion is currently pending;

10 WHEREAS oral argument on *Plaintiffs' Motion to Remand* is currently scheduled to be
11 held on March 2, 2012;

12 WHEREAS the Parties have agreed to engage in a global mediation that, in addition to
13 the Parties to the instant Action, also includes the plaintiffs in the following three putative
14 wage and hour actions pending against Defendant in various judicial districts in California and
15 Missouri: *Martinez v. Wireless Lifestyle, Inc.*, 3:11-cv-05132-CRB; *Coleman v. Wireless*
16 *Lifestyle Inc.*, 5:11-cv-01727-RGK-AJW; *White v. Pasha Distribution Corp.*, 4:11-cv-00975-
17 ODS;

18 WHEREAS the Parties have agreed to use their best efforts to complete mediation no
19 later than May 24, 2012;

20 WHEREAS the Parties shall promptly notify this Court after the conclusion of the
21 mediation whether a settlement was reached;

22 WHEREAS, in an effort to preserve resources and avoid undue expense, the Parties
23 therefore desire to continue oral argument and stay this Court's ruling on *Plaintiffs' Motion to*
24 *Remand* until June 15, 2012 to facilitate settlement discussions;

25 WHEREAS the instant Stipulation is contingent upon the occurrence of the mediation
26 set forth herein, the Parties reserve the right to request that the Court reset a hearing on
27 *Plaintiffs' Motion to Remand* for a date earlier than June 15, 2012 in the event that the
28 anticipated mediation does not occur;

1 IT IS HEREBY STIPULATED that the Court enter an order continuing oral argument
2 and staying a ruling on *Plaintiffs' Motion to Remand* until June 15, 2012.

3 Dated: February 27, 2012

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4
5 By: 

6 Matt C. Bailey, Esq.
Dylan F. Pollard, Esq.

7 *Attorneys for Plaintiff*
8 *Kevin Frazier and Dejesus Libran*

9 Dated: February 27, 2012

SNR DENTON US LLP

10 By: 

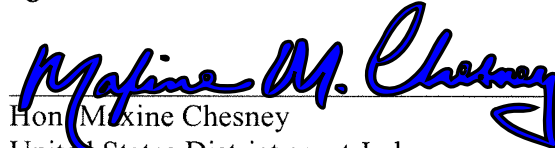
11 Marie Leggon Wroughten, Esq.
Virginia K. Young, Esq.

12 *Attorneys for Defendant*
13 *Wireless Lifestyle, Inc.*

14
15 **~~PROPOSED~~ ORDER**

16 The Court, having considered the stipulation of the Parties, hereby orders that oral
17 argument on *Plaintiffs' Motion to Remand*, presently scheduled for March 2, 2012, shall be
18 continued until June 15, 2012 and that a ruling on Plaintiffs' Motion shall issue after that date.

19 Dated: February 28, 2012

20 
21 Hon Maxine Chesney
United States District court Judge